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6 Attorneys for Plaintiff  
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8  
9 IN THE UNITED STATES DISTRICT COURT  
10 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 WALTER DELSON,  
12 Plaintiff,

Case No. C11-3781 MEJ  
Civil Rights

13  
14 v.

**PLAINTIFF'S APPLICATION FOR AN  
EXTENSION OF TIME WITHIN WHICH  
TO FILE AND SERVE A REPLY TO  
DEFENDANTS' OPPOSITION TO  
PLAINTIFF'S MOTION FOR AN  
AWARD OF ATTORNEY FEES,  
LITIGATION AND COSTS**

15  
16 CYCT MANAGEMENT  
17 GROUP, INC.; KINGS  
18 TRIUMPH, LLC; LINDA YU-  
LING TU TRUST; LALEH  
19 HERAVI dba Fondue Fred; and  
DOES 1-20, Inclusive,

Hearing

Date: December 13, 2012  
Time: 10 a.m.  
Place: Federal Courthouse  
450 Golden Gate Ave.  
San Francisco, CA  
/Judge: Hon. Maria-Elena James

20 Defendants.

21  
22 I, PAUL L. REIN, declare as follows:

23 1. I have been attorney of record for plaintiff Walter Delson in this  
24 action. I am an attorney in good standing licensed to practice in the courts of  
25 California and in the United States District Court for the Northern, Eastern and  
26 Central Districts of California. I have been a lawyer for more than 43 years, since  
27 admission to the California Bar on January 9, 1969, after graduation from Boalt  
28 Hall, University of California, Berkeley in June, 1968. For the past 37 years, I

1 have represented physically disabled persons in civil rights disability access  
2 lawsuits.

3 2. As attorney for plaintiff Walter Delson I filed a motion for plaintiff's  
4 attorney fees, litigation expenses and costs on November 2, 2012, with supporting  
5 declarations and exhibits (Docket Nos. 23 through 28-1), and served courtesy  
6 copies by Federal Express "Second Day" to both sets of defense counsel.

7 3. On November 16, 2012, the day that defendants' Opposition  
8 pleadings were due to be filed, defense counsel Laura Flynn applied to the Court  
9 for a three day extension of time, to Monday, November 19<sup>th</sup>, in which to file  
10 Opposition pleadings on behalf of her clients, defendants CYCT Management  
11 Group, Inc., Kings Triumph, LLC, and the Linda Yu- Ling Tu Trust (Docket  
12 No. 29). While plaintiff filed an opposition to such extension based on prejudice  
13 to plaintiff and violation of court rules (Docket Nos. 30 and 30-1), the Court's  
14 Order granted defendants their requested extension (Docket No. 32).

15 4. As noted in plaintiff's opposition (Docket No. 30, p.2, 1.20 - p.2, 1.7),

16 I have personally handled all work on this attorney fees motion, and I  
17 would not have sufficient time to prepare plaintiff's Reply pleadings  
18 if defendants' application is granted. Thursday, November 22<sup>nd</sup> is  
19 Thanksgiving. The next morning, November 23<sup>rd</sup>, I leave on an 8:30  
20 a.m. flight to Maui, Hawaii for a prepaid week long MCLE  
21 sanctioned annual legal seminar by Consumer Attorneys of  
22 California (CAOC). I also have prepaid return flight tickets for  
23 Sunday, December 2<sup>nd</sup>, arriving back at the Oakland Airport at 8:25  
24 p.m., Sunday night. I will therefore be unable to work on the Reply  
25 from Thanksgiving, November 22<sup>nd</sup>, until my return to the office on  
Monday, December 3<sup>rd</sup>. Because of this prepaid trip, if defendants'  
application is granted allowing them to file their Opposition on  
Monday, November 19<sup>th</sup> - although the Reply would not be due until  
November 26<sup>th</sup>, while I was gone - I would effectively have only two  
days, until November 21<sup>st</sup>, in which to prepare the Reply, rather than  
the seven days provided in the court rules, or even the five days I  
would have if defendants file their motion today. This would  
severely prejudice my preparation.

26 5. As the Court has granted defendants a three day extension to file  
27 their attorney fees Opposition on November 19<sup>th</sup> rather than on November 16<sup>th</sup>,  
28 thereby only affording me two days before the Thanksgiving holiday and my pre-

1 paid trip to the attorneys' seminar in which to prepare plaintiff's attorney fees  
 2 Reply, I hereby request an extension of time in which to file plaintiff's Reply to  
 3 December 5, 2012. This would provide me five days to work on the Reply while  
 4 I am in California, and would still provide the Court with the Reply eight days  
 5 prior to the hearing scheduled for December 13, 2012.

6 6. This morning, at 11:48 a.m., I emailed a letter (**Exhibit 1**,  
 7 inadvertently dated "November 2, 2012" on the first page, but correctly dated  
 8 November 19, 2012 on the second page) and proposed Stipulation (**Exhibit 2**) to  
 9 both defense counsel, Laura Flynn and Jonathan Seigel, requesting that they  
 10 stipulate to extending plaintiff's Reply date to December 5<sup>th</sup>, and that each  
 11 respond in writing by 3 p.m. While Mr. Seigel promptly signed the Stipulation  
 12 and sent it to us at 12:15 p.m., we have received no response whatsoever from  
 13 Ms. Flynn's office.

14 7. Having made our best efforts to accomplish this by stipulation,  
 15 plaintiff now submits this application to the Court.

16  
 17 I declare the above statement to be true and correct to the best of my  
 18 knowledge and so declare under penalty of perjury, and under the law of the State  
 19 of California, on November 19, 2012, in the City of Oakland, California.

20  
 21 /s/ Paul L. Rein  
 22 PAUL L. REIN  
 23 Attorney for Plaintiff  
 24 WALTER DELSON  
 25  
 26  
 27  
 28

**ORDER**

Good cause having been shown, plaintiff's Reply brief shall be filed no later than December 5, 2012. The hearing on Plaintiff's attorney's fees motion is CONTINUED to January 17, 2013 at 10:00 a.m. in Courtroom B.

**IT IS SO ORDERED.**

Dated: November <sup>21</sup>, 2012



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MARIA-ELENA JAMES  
United States Chief Magistrate Judge